UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,428	08/21/2003	David Hawley	16105-002US2 /2000P00003W	9652

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/646,428	HAWLEY, DAVID
	Examiner	Art Unit	
	Satish S. Rampuria	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>08 May 2007</u>.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-3,6-11 and 13-15* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-3,6-11 and 13-15* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20070625

DETAILED ACTION

1.   This action is in response to the amendment filed on 05/08/2007.

2.   Claims 4-5 and 16-21 are previously with preliminary amendment is cancelled by

the Applicant.

3.   Claims 14-15 were not rejected under 35 U.S.C. 101 therefore this action is non-

final.

4.   Claims currently cancelled by the Applicant: 12.

5.   Claims currently amended by the Applicant: 8 an 13-15.

6.   Claims are pending in the application: 1-3, 6-11, and 12-15.

Response to Arguments

7.   Applicant's arguments with respect to claims have been considered but they are not

persuasive.

In the remarks, the applicant has argued that:

> The Examiner contended that certain portions of page 3, page 5, and figure 3 of UIML disclose these aspects of Applicant's claim 1. (Office Action, pages 5-6). This is not correct. Nowhere does UIML disclose or suggest receiving a document having a statement with an indication to render first and second objects and interpreting the statement to identify a presentation pattern for the assembly from predefined first and second presentation patterns according to the type of the device. In contending that UIML does disclose these two limitations, the Examiner cited the same portion of the page 5 section "UIML as a meta-language." In particular, the Examiner cited "UIML document specifies a mapping of those names to a vocabulary specific to a particular target platform." (Office Action, page 6).
> This is very different from the objects of different types and the predefined presentation patterns according to the type of device recited in Applicant's claim 1; For example, the UIML sentence that immediately follows the sentence cited by the Examiner reads, "[f]or example, if the target is Java AWT, the vocabulary might consist of the java.awt and java.awt. event class names, such as Frame, Menu, and Button." Even if these class names may correspond to objects, which Applicant does not concede, they certainly are not a predefined presentation pattern as recited in Applicant's claim 1. Neither does figure 3 of UIML disclose or suggest predefined presentation patterns or identification of a presentation pattern from predefined first and second presentation patterns according to the type of the device, in contrast to the Examiner's contention.
> Neither is Applicant's claim t obvious in view of UIML. UIML does not provide any details concerning how objects are presented in user interfaces of various devices. While UIML mentions that it discloses an XML language that permits description of a user interface in a device-independent manner, (page 1, Abstract), no details are provided concerning how anything actually gets presented on a user interface. Mapping of names between platforms, as UIML discloses, is an abstract notion devoid of explanation or specifics that would permit one skilled in the art to arrive at the method of Applicant's claim 1.
> Accordingly, claim 1 defines subject matter that is patentable over UIML.

Examiner's response:

In response to Applicant's argument UIML disclose an XML language that permits a declarative description of a user interface in a highly device-independent manner. An objective of UIML is to permit a UIML document to be mapped to any type of user interface, from graphical to speech, and even to those not yet invented (see abstract). UIML clearly teaches the limitation receiving a document having a statement with an indication to render first and second objects and interpreting the statement to identify a presentation pattern for the assembly from predefined first and second presentation patterns according to the type of the device, See FIG. 1 which shows displaying data on multiple devices by receiving a document having a statement with an indication to render first and second objects and interpreting the statement to identify a presentation pattern for the assembly from predefined first and second presentation patterns according to the type of the device. Further, UIML does disclose presentation pattern since it's displaying data on multiple devices of it's (device) own natural langugag (see page 5, section UIML as a meta language). Applicant only makes general allegations. Therefore UIML does disclose the limitations as claimed and the rejection is maintained herein.

In the remarks, the applicant has argued that:

Dependent claim 6 depends from claim 1, and thus is patentable over UIML for at least the reasons described above with reference to claim 1. Additionally, claim 6 recites "wherein the presentation pattern is identified according to the size (X) of the screen." The Examiner contended, in rejecting claim 6, that UIML discloses this aspect at figure 1, figure 3, and related discussion. (Office Action, page 7). This is not correct. Figure 1 of UIML

simply shows a block diagram having two devices, and describes one as presenting information in English and the other as presenting information in French. Figure 3 also shows two devices, but does not show or describe differences in presentation, let alone differences in presentation based on screen size, and nowhere in UIML are these aspects disclosed or suggested. As described above, UIML does not disclose or suggest predefined presentation patterns, and certainly does not disclose or suggest identifying a presentation pattern based on size of the screen of the device. Without limitation, Applicant submits that this provides at least an additional reason why claim 6 defines subject matter that is patentable over UIML.

Examiner's response:

In response to Applicant's argument, the response above with respect to claim 1 is incorporated UIML disclose an XML language that permits a declarative description of a user interface in a highly device-independent manner. An objective of UIML is to permit a UIML document to be mapped to any type of user interface, from graphical to speech, and even to those not yet invented (see abstract). UIML clearly teaches the limitation receiving a document having a statement with an indication to render first and second objects and interpreting the statement to identify a presentation pattern for the assembly from predefined first and second presentation patterns according to the type of the device, See FIG. 1 which shows displaying data on multiple devices by receiving a document having a statement with an indication to render first and second objects and interpreting the statement to identify a presentation pattern for the assembly from predefined first and second presentation patterns according to the type of the device. Further, UIML does disclose presentation pattern since it's displaying data on multiple devices of it's (device) own natural language (see page 5, section UIML as a meta language) and furthermore, UIML disclose presentation pattern and further it is displays on a display device such as PDA or PC (see FIG. 1 and section UIML-Main Element). Applicant only makes general allegations. Therefore UIML does disclose the limitations as claimed and the rejection is maintained herein.

In the remarks, the applicant has argued that:

The Examiner rejected claim 13 under the same rationale set forth in the rejection of claim 1. (Office Action, page 8). Applicant traverses. Nowhere in UIML is a theme handler of the type recited in claim 13 disclosed or suggested. Specifically, UIML does not disclose or suggest evaluating a statement of an application specification document that instructs rendering the first and second objects in an assembly according to a device type specific presentation pattern for the assembly that is identified from predefined first and second visual presentation patterns. Similarly, UIML does not disclose or suggest a navigation engine of the type recited in claim 13. Specifically, UIML fails to disclose or suggest selection of one of the first and second objects for interaction with a user to create inter-object relations with user-interface elements and data cursors. The Examiner has not contended that UIML discloses or suggests a theme handler or a navigation engine as recited in claim 13. Neither are these aspects of claim 13 obvious in view of UIML, for reasons described above with reference to claim 1.

Examiner's response:

In response to Applicant's argument, the response above with respect to claim 1 and 5

is incorporated UIML disclose an XML language that permits a declarative description of

a user interface in a highly device-independent manner. An objective of UIML is to

permit a UIML document to be mapped to any type of user interface, from graphical to

speech, and even to those not yet invented (see abstract). The limitation theme handler

recited in claim 13 would be inherent in claim 1 since the limitation (theme handler)

further bound by the same limitations as recited in claim 1, therefore claim 13 is given

the same rational as claim 1. Further, UIML clearly teaches the limitation receiving a

document having a statement with an indication to render first and second objects and

interpreting the statement to identify a presentation pattern for the assembly from

predefined first and second presentation patterns according to the type of the device,

See FIG. 1 which shows displaying data on multiple devices by receiving a document

having a statement with an indication to render first and second objects and interpreting

the statement to identify a presentation pattern for the assembly from predefined first

and second presentation patterns according to the type of the device. UIML does

disclose presentation pattern since it's displaying data on multiple devices of it's

(device) own natural language (see page 5, section UIML as a meta language) and

furthermore, FIG. 1 of UIML clearly shows customized deployment of UIML which is

done on different type of devices and multiple types of language. Applicant only makes

general allegations. Therefore UIML does disclose the limitations as claimed and the

rejection is maintained herein.

Specification

8.   The objection to use of trademarks is withdrawn in view of Applicant's

amendment/comments.

Claim Rejections - 35 USC § 112

9.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

10.   Claims 14-15 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

Regarding claim 14, Claim 13 recites a computer program product resides in a computing

device. It is not clear how the computer program product is delivered to the device if it is already

reside in the device.

Regarding claim 15, Claim 13 recites a computer program product resides in a computing

device. It is not clear how the computer program product is delivered to the device if it is already

reside in the device.

Claim Rejections - 35 USC § 101

11.   35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter,
or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
requirements of this title.

12.   Claims 8, 11, 12, and 13 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.

Claim 8-11 recite "computer program product" and further amended to recite,

"computer program product embodied in a computer readable storage medium" as claimed

element. However, it is noted that the applicant's specification provides intrinsic evidence that

even the computer storage medium could be carrier or signal type of medium (Applicant's

specification page 15-17). Claims that recite nothing but the physical characteristics of a

form of energy, such as a frequency, voltage, or the strength of a magnetic field, define

energy or magnetism per se, and as such are **nonstatutory** natural phenomena. O'Reilly v.

Morse, 56 U.S. (15 How.) 62, 112-14 (1853). Moreover, it does not appear that a claim

reciting a signal encoded with functional descriptive material falls within any of the

categories of patentable subject matter set forth in § 101.

Claim 13-15 recite "computer program product" and further amended to recite,

"computer program product embodied in a computer readable storage medium" as claimed

element. However, it is noted that the applicant's specification provides intrinsic evidence that

even the computer storage medium could be carrier or signal type of medium (Applicant's

specification page 15-17). Claims that recite nothing but the physical characteristics of a

form of energy, such as a frequency, voltage, or the strength of a magnetic field, define

energy or magnetism per se, and as such are **nonstatutory** natural phenomena. O'Reilly v.

Morse, 56 U.S. (15 How.) 62, 112-14 (1853). Moreover, it does not appear that a claim

reciting a signal encoded with functional descriptive material falls within any of the

categories of patentable subject matter set forth in § 101.

Claim Rejections - 35 USC § 102

13.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(a) the invention was known or used by others in this country, or patented or described in a printed publication in this
or a foreign country, before the invention thereof by the applicant for a patent.

14.   Claims 1-3 and 6-15 are rejected under 35 U.S.C. 102(a) as being anticipated by the

published document "UIML: An XML Language for Building Device-Independent User

Interfaces" by Marc Abrams and Contanrinos Phanouriou (hereinafter, UIML) in December

1999.

Per claim 1:

UIML discloses:

receiving an application specification document by the device, the application specification

document having a statement with an indication to render the first and second objects in the

assembly (page 3, section Deploying UIML "...UIML document...compiled to a target

platform's language...is mandatory for devices...cellular..." and page 5 section UIML as a

meta-language "...UIML document...specifies a mapping of those names to a vocabulary

specific to a particular target platform..." Also, see Figure 3);

interpreting the statement of the application specification document to identify a presentation

pattern for the assembly from predefined first and second presentation patterns according to the

type of the device (page 5 section UIML as a meta-language "...UIML document...specifies a

mapping of those names to a vocabulary specific to a particular target platform..." Also, see

Figure 3); and

rendering the assembly of the first and second objects on the user-interface according to the

presentation pattern identified in the interpreting step (page 3, section Deploying UIML "...Java

interpretive renderer permits the entire UIML interface to appear as a Java bean...end-user

devices..." Also, see Figure 3).

Per claim 2:

The rejection of claim 1 is incorporated and further, UIML discloses:

specifying the application in the application specification document by a workbench in a

development computer; and simulating the rendering step by a pre-viewer component of the

workbench (See Figure 1 and 3 and related discussion).

Per claim 3:

The rejection of claim 1 is incorporated and further, UIML discloses:

wherein in the rendering step, the first object and the second objects are rendered according to the presentation pattern and to a predefined hierarchy pattern (See Figure 2a-2c and related discussion).

Per claim 6:

The rejection of claim 1 is incorporated and further, UIML discloses:

wherein the presentation pattern is as a display pattern, wherein the objects are rendered to the user-interface being a screen, and wherein the presentation pattern is identified according to the size (X) of the screen (See Figure 1 and 3 and related discussion).

Per claim 7:

The rejection of claim 1 is incorporated and further, UIML discloses:

7. The method of claim 1, wherein in the rendering step, the presentation pattern is an audio pattern (page 2, section VoiceXML "...VoiceXML is a markup language for specifying interactive voice response applications...conversions...").

Claims 8 and 13 are the computer product claims corresponding to method claim 1, and rejected under the same rational set forth in connection with the rejection of claim 1, above.

Claims 9-11 and 14-15 are the computer product claims corresponding to method claim 1 claiming carrier and signal embodied on the computer product, and rejected under the same rational set forth in connection with the rejection of claim 1, above.
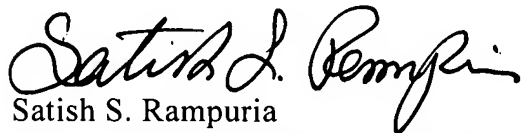
Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Satish S. Rampuria** whose telephone number is **(571) 272-3732**. The examiner can normally be reached on **8:30 am to 5:00 pm** Monday to Friday except every other Friday and federal holidays. Any inquiry of a general nature or relating to the status of this application should be directed to the **TC 2100 Group receptionist: 571-272-2100.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wei Y. Zhen** can be reached on **(571) 272-3708**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information

for unpublished applications is available through Private PAIR only. For more information

about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on

access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-

217-9197 (toll-free).

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